

Heber Valley Medical Center (“Heber Valley”) asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Hann's dismissal of Heber Valley’s application for payment for medical treatment provided to G. A. under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

### **BACKGROUND AND ISSUE PRESENTED**

Heber Valley filed an application with the Labor Commission to compel Marriott Corporation and Crawford and Co. (“Marriott” hereafter) to pay for medical services provided to George Avra. Heber Valley’s application alleged that the medical services in question had been necessary to treat injuries Mr. Avra suffered while working for Marriott, and that Marriott was therefore liable under the Utah Workers’ Compensation Act for the expense of such medical care.

Marriott responded to Heber Valley’s application by contending that Marriott had already fulfilled its obligation under the Act by paying Heber Valley the reasonable amount due for the services provided.

Although both parties had invoked the Commission’s jurisdiction to resolve their dispute, Judge Hann dismissed this proceeding *sua sponte* on the grounds that the Commission does not have jurisdiction to adjudicate hospitals’ claims for payment for medical services provided to injured workers.

In its motion for review of Judge Hann’s decision, Heber Valley argues that Judge Hann has erroneously limited the Commission’s jurisdiction over medical fee disputes. Marriott has submitted a response concurring with Heber Valley’s argument.

### **DISCUSSION**

Judge Hann dismissed Heber Valley’s application on the strength of § 34A-2-407(9)(f) of the Utah Workers’ Compensation Act.<sup>1</sup> That provision permits physicians, whose fees are regulated by the Commission, to institute proceedings at the Commission to adjudicate fee disputes. From the foregoing statute’s explicit authorization for adjudication of physicians’ fee disputes, Judge Hann drew the implication that the Commission did not have authority to adjudicate hospital fee disputes. However, Judge Hann’s conclusion is inconsistent with § 34A-3-109(12)(b) of the Utah Occupational Disease Act:

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<sup>1</sup> Although Judge Hann cited subsection (8)(f) of § 34A-2-407, recent amendments have renumbered the provisions in question as (9)(f).

Except as provided in Subsection (12)(a), Subsection 34A-2-211(7), or Section 34A-2-212, a person may not maintain a cause of action in any forum within this state other than the commission for collection or payment of a physician's, surgeon's, or other health provider's billing for treatment or services that are compensable under this chapter or Chapter 2, Workers' Compensation Act.

In light of § 34A-3-109(12)(b)'s plain language, the Appeals Board concludes that the Commission does have authority to adjudicate Heber Valley's claim.

### **ORDER**

The Appeals Board grants Heber Valley's motion for review, sets aside Judge Hann's order of dismissal dated April 8, 2005, and remands this matter to Judge Hann for adjudication of the merits of Heber Valley's claim. It is so ordered.

Dated this 20<sup>th</sup> day of January, 2006.

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Colleen S. Colton, Chair

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Patricia S. Drawe

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Joseph E. Hatch